

## REMARKS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated May 31, 2005. Claims 1-28 were examined in that Office Action, and all claims were rejected. More specifically, claims 1, 2, 4-6, 8, 13, 14, 16, and 21-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,067,551 (“Brown et al.”); claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al., in view of U.S. Patent No. 6,560,719 (“Pham et al.”); claims 1, 3, 5, 9, 10, 13, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,890,177 (“Moody et al.”); and claims 11, 12, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody et al., in view of U.S. Patent No. 5,958,005 (“Thome et al.”).

In this Amendment, claims 1 and 5 have been amended. No claims have been canceled and no new claims have been added. Therefore, claims 1-28 remain present for examination. Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 2, 4-6, 8, 13, 14, 16, and 21-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Brown et al. (USPN 6,067,551). Applicant respectfully traverses the § 102(e) rejections. Either the Examiner has failed to substantiate a prima facie case of anticipation or the amended claims render the Examiner’s arguments moot. Indeed, a prima facie case of anticipation can only be met when the reference teaches every aspect of the claimed invention. See MPEP §§ 706.02 and 2136. For independent claims 1 and 5, Brown teaches neither storing “storing a path of the original document” nor storing the path of the original document “with the local copy,” of the original document. For independent claim 13, Brown teaches neither storing “the document location” nor storing the document location “with the local copy.” For independent claim 21, Brown teaches neither “storing a path of the original document file” nor storing the path, “as part of the local document file.”

Brown et al. teaches a different approach to managing multi-user editing of a master copy of a document. Brown requires the use of a multi-user control file (MCF). See Brown et al., at Abstract and col. 2, lines 51-56. The MCF is created on *a file server* that stores the master copy and is not created on any remote computer. See Brown et al., at col. 4, lines 11-14. The MCF

provides access, for remote users, to the master copy on the file server. Id. Indeed, the MCF is associated only with the master copy, stored only with the master copy, and is the only process controlling the linking between the master copy on the file server and the copies used by the remote users. See Brown et al., at col. 5, lines 40-44.

The MCF tracks all versions of the master copy being edited by one or more users. See Brown et al., at col. 2, lines 52-56. In addition, the MCF administers the synchronization of the different versions that have been or are being edited by the different users. See Brown et al., at col. 2, lines 56-65. To accomplish the synchronization, the MCF contains a record for each version of the master copy that is being edited by remote users. See Brown et al., at col. 11, lines 45-48. The records in the MCF include an unlock/lock flag, a document name, and a master copy version identifier, but do not include a path to the master copy. Id.

Generally, Brown et al. teaches a method of controlling multi-user editing that is similar to one of the methods described in the background of the present application. Indeed, the present application described a prior art approach to multi-user editing that utilizes a central server process, strikingly similar in function to the MCF, which manages the storing of an original document on a server. A central server process, such as the MCF, is generally consumptive of server system resources and can slow access to the documents, and the elimination of the central server process motivated the creation of the present invention.

Claims 1, 5, 13, and 21 differ from Brown and this type of prior art by eliminating the central server process. Indeed, claims 1, 5, 13, 15 each store the path of the original document with the local copy. Having the path of the original document stored with the local copy allows the remote computers to find the original document and merge any changes with the original document without a central server process, such as the MCF. Thus, the present claims are exactly opposite of the teachings of Brown. Indeed, to postulate that Brown teaches storing the path of the original document with the local copy to provide distributed control of the multi-user editing process, would eviscerate the invention of Brown, which requires a central server process. For at least these reasons, Applicant respectfully requests reconsideration of the rejections to claims 1, 5, 13, and 21 in view of Brown et al. as each of these claims are believed to recite the present invention in a manner distinguishable over Brown et al. In addition, claims 2-4, 6-12, 14-20, and 22-28 are also patentable over Brown et al. as these claims depend from allowable base claims 1, 5, 13, and 21.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1, 3, 5, 9, 10, 13, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody et al. (USPN 5,890,177). Applicant respectfully traverses the §103 rejections because either the Examiner has failed to state a prima facie case of obviousness or the amended claims render the Examiner's arguments moot. A prima facie case of obviousness can only be established when all of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves to combine the references; (2) there must be a reasonable expectation of success; and (3) the reference or combination of references must teach or suggest all the claim limitations. See MPEP §§ 706.02(j) and 2143. The combination of references cited by the Examiner must teach or suggest every limitation of the claimed invention. CFMT v. CFM Tech., 349 F.3d 1333, 1342 (Fed. Cir. 2003). See also In re Royka, MPEP § 2143.03. For independent claims 1 and 5, Moody teaches neither storing "storing a path of the original document" nor storing the path of the original document "with the local copy," of the original document. For independent claim 13, Moody teaches neither storing "the document location" nor storing the document location "with the local copy."

Moody et al. fails to teach a multi-user editing method that allows contemporary and automatic revisions of an original document over a shared network. Rather, Moody teaches prior art methods of editing that involve submitting to an original author, using email and/or floppy disk, all revisions of a document. See Moody et al., at col. 4, lines 44-63. These prior art methods each relate to a manual approach by which an editor is required to actively submit an edited version to the author of an original document. Id.

Moody does not teach or suggest storing a path of the original document with the local copy because such information is not needed to conduct the editing of the document. The author of the document receives all the edits and merges the changes, and the distributed system does not need to manage the storing or merging operations. See Moody et al., at col. 4, lines 20-63. Modifying Moody et al. (1) to include such a feature and (2) to imply that such modification would have been ordinary to one of skill in the art is not supported by the disclosure of Moody and could only be rendered from the use of impermissible hindsight gleaned from the benefits of the present invention. See, e.g., Ex parte Haymond, 41 USPQ2d 1217, 1220 (BdPatApp&Int

1996). For at least these reasons, Applicant respectfully requests reconsideration of the rejections to claims 1, 5, and 13 in view of Moody et al.

Second, claims 11, 12, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody et al., in view of Thome et al. (USPN 5,958,005). As explained above, Moody does not teach or suggest storing the path of the original document with the local copy. Thome does not compensate for the inadequacies of Moody. Thome teaches creating email messages with configurable security settings that allow the user to tailor the handling of each email message according to that message's security settings. See Thome et al. at Abstract. Thome never teaches or suggests storing the path of the original document with the local copy. As such, the combination of Moody and Thome does not teach or suggest all the claim limitations.

Lastly, claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al., in view of Pham et al. (USPN 6,560,71). As explained above, Brown does not teach or suggest storing the path of the original document with the local copy. Pham also does not teach storing the path of the original document with the local copy. Rather, Pham describes the backing-up of registry keys onto a remote computer. See Pham et al. at col. 2, lines 44-50. As such, the combination of Brown and Pham does not teach or suggest all the claim limitations.

For at least these reasons, Applicant respectfully requests reconsideration of the rejections to claims 1, 5, 13, and 21 in view of Brown et al., Moody et al., Pham et al., and Thome et al. as each of these claims are believed to recite the present invention in a manner distinguishable over any combination of the above references. In addition, claims 2-4, 6-12, 14-20, and 22-28 are also patentable over any combination of Brown et al., Moody et al., Pham et al., and Thome et al. as these claims depend from allowable base claims 1, 5, 13, and 21.

**Conclusion**

This Amendment fully responds to the Office Action mailed on May 31, 2005. Still, that Office Action may contain arguments and rejections and that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Dated: August 31, 2005

Respectfully submitted,

**27488**



Tadd F. Wilson, Reg. No. 54,544  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(303) 357-1651